

GMX ProMail

Ukraine's ongoing lawlessness: Child abuse in Bilgorod-Dnestrovskij and severe discrimination against foreign father

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My child was unlawfully retained in Ukraine since September 2016 after a summer holiday, against my willingness and in breach of the International treaties that Ukraine signed and ratified, thus fully part of ukrainian legislation, with higher priority, and second only to ukrainian Constitution.

In breach of Hague Convention on International Child Abduction requiring a prompt return of the child to the habitual residence in Italy, the court proceedings are still at first instance after 88 weeks instead of the 6 weeks time limit for this kind of cases.

This is not the best interest of the child as repeatedly the ECHR clearly stated.

Succeded each other 5 first instance judges! **FIVE DIFFERENT JUDGES AND STILL NO DECISION!!!**

The first one (Zaveryuha V.O.) held the case (495/6647/16) from Nov 3rd 2016 till Dec 24th 2016 when, just after receiving the opposit party (inappropriate) reply to my instance and instead of ordering the immediate return as evident, preferred to pass the case to another judge in breach of art.11 of the Hague Convention, in order to let the opposite party artificially build up a defence!

The second one (Boyarskij O.O.) held the case (495/10157/16) from Dec. 26th 2016 till Sep 5th 2017, ordered a (useless) request for international legal assistance (6 months to prepare it from Feb 8th 2017 to Aug 10th 2017, with due date Nov. 2017) to collect evidence that where already in the hands of the other party, then self recused. By the way please note that this request for international legal assistance is still hidden somewhere in the Ministry of Justice in Ukraine and I have no evidence that was sent to Italy.

The third one (Anisimova N.D.) held the case from Sep 6th 2017 till (about) Nov 14th 2017, made 2 court hearings without notifying the other party (who obviously was not present) then got arrested (for other reasons).

The forth one (Gaida-Gerasimenko O.D.) held the case from Nov 22nd 2017 till Mar 26th 2018 without any decision, afterward was suspended for one year from work.

Then the case went to the appellate court for procedural irregularities, where judge Tsyura T.V. twice postponed the court hearing and now after 6 days no decision is still in the register.

The fifth one (Prijomova O.Yu.), who got the case on Jun 12ve 2018 while it was in charge at the appellate court (last appeal hearing on Jul 6th 2018), is waiting for the case file.

It is really interesting that judge Boyarskij O.O. at the very first court hearing (that was not opened as the other party did not showed up: in fact she was in Italy!! Yes, she regularly goes to Italy whilst retains my son in Ukraine) advised me that in Ukraine this kind of cases could really last for long time (years), that ukrainian women usually want money, that he did not know exactly what my wife wanted, but it would be better for me to find how much she wants and to return all togheter to Italy (I have the audiorecording of this speech).

I asked for access to my son but judge Boyarskij O.O. refused to fullfill my request and also the Odessa appellate court : as the request was not pertinent to that kind of cases!!!

The municipality provided the court with false statements (see enclosed files - the file name starts with "495..." and with "Risposta...") and the police helps everyone to cover the lies (enclosed - "RispPol...").

I applied also to the Ombudsman, without any practical result, and am still waiting for an answer.

Please note that in Ukraine too both parents have equal rights (art. 141 of Family Code of Ukraine). But this is only on paper: reality is radically different.

Please note that is a RIGHT OF THE CHILD to have strict relationships with his parents. With both of them!!!!

And that, even if I am the father and for you the father counts NULL, I was actually the primary caregiver of my child as I attended my son allways, day and night, in Italy and here, and his mother did not went even to the pediatrian (enclosed - "Certif.."); please note that the pediatrian stated that "he was a serene child", do not forget: soon will be usefull.

Probably Sting was right in his famous song "Russians": "I hope that Russians love their children too". Really seems to me that ancient soviet matriarchate minded people is still too much largely diffused in the institutions in Ukraine.

A change is needed! We will promote and lead this change.

Who do not understand that mother and father have equal rights and is a right of the child to have both parents WILL GO HOME!

As soon as possible!

In Resolution 1291 (2002) - International abduction of children by one of the parents - the Parliamentary Assembly of Council of Europe (Ukraine is part of it) :

"2. points out that, under the United Nations Convention on the Rights of the Child all children have the right to maintain regular personal relations with both parents; abduction by a parent is a denial of the child's rights; abducted children are deprived of one of their parents and their wider family"

and

"3. The Assembly believes that the member states, united within the Council of Europe by their attachment to the same values, ought to be able to overcome their legal, cultural and other differences, recognise the same concept of the best interests of the child and state that situations in which children are denied their rights cannot be allowed to continue."

and

"5. It urges each Council of Europe member state to: make abduction by a parent of a child under 16 years of age a crime and punish it as such."

Thus an international child abduction by a parent is an internationally recognized CRIME, and who helps a criminal is an ACCOMPLICE. It seems that Ukraine helps abductors. Up to you to draw the logic consequences.

Who do not adheres with those principles WILL GO HOME!

The Bilgorod-Dnistrovskij's Commission of Service for Children Rights did not granted me plain access to my son, as I asked for, because: "It has been established that there is no mutual understanding between the parents and they do not agree about the child and this is proven by many procedures and, consequently, pursuant to art. 155 of the Family Code of Ukraine, it is considered appropriate that the father and the son should meet in the presence of the mother." (enclosed - "Verbale...")

что за бред?

Just to refresh memory this is art. 155 of Family Code of Ukraine:

"Article 155. Exercising Parental Rights and Discharging Parental Responsibilities

1. Exercising parental rights and discharging parental responsibilities shall be based on the respect for the child's rights and his/her human dignity.
2. Parental rights may not be exercised contrary to the interests of the child.
3. Abandonment of the child by parents shall be unlawful and breaks down morals of the society.
4. Avoiding discharging parental responsibilities constitutes the ground for bringing parents to responsibility prescribed by law."

Please note that only in art. 159 of the Family Code of Ukraine (Deciding by the Court a Dispute Related to the Participation of the Parent who Does not Live with the Child in the Child's Education) is admissible that "In some cases, if the interests of the child are at stake, the court may make access to the child conditional on the presence of another person.", whilst the Custody and Care Authority operates under art. 158 where this provision is not provided. Thus it is inadmissible that the Custody and Care Authority grants access to the child conditionally on the presence of another person.

This is a de facto decision of custody of the child which is banned by art. 16 of the Hague Convention on International Child Abduction: "the judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained shall not decide on the merits of rights of custody"

But there are no responsibilities for breaching the law in Ukraine. And thus everyone does what he wants.

I have no access to my son just because his mother does not want!!!!

She undersigned in front of a police officer that she came in the apartment that I rented for one month where the child slept with me, took the child and went away!

Fantastic!!!! that is what a real ukrainian mother is expected to do!

Since April 2018 I even do not know where he is, and the police do not react at all!

I DO NOT KNOW WHERE MY SON IS AS HIS MOTHER HIDES HIM AND DOES NOT ANSWER TO MY QUESTIONS!

Who cares? Why boring the police?

Again that's simply Fantastic!!!! is exactly what a real ukrainian mother is expected to do! Tear away the child from his father and go away!

Probably the father was trying to kill him, to abuse him, to beat him, to sell organs, to experiment with

acid, trying drugs....

NO, NOTHING AT ALL.

She did not mention any threat for the child. Any single threat!

The child was just having dinner: of course a highly dangerous ukrainian kashu with beef meat probably lethal that the father prepared!

He does not attend now the kindergarden. But who cares, the mother decision is allways the best for the child.

He is not ready to go to school next year. But who cares, the mother decision is allways the best for the child.

He will not be vaccinate anymore, the mother does not want the indians vaccines that Ukraine provides!

But the risk is to return to Italy where he had all the vaccines?

He suffers from **psicological traumas and great fears AFTER the abduction** as attested by an UKRAINIAN psychologist (enclosed - "Perizia..."): "it can be concluded that in his life there are events that caused psychic traumas, caused by the dangerous influence of the environment and involve the loss of the sense of security and the signs of unsuitability".

The child did not speak russian/ukrainian at all when abducted... the psychologist writes: "there are language problems"

WITH THIS EVIDENCE PROVIDED BY THE OTHER PARTY IN THE COURT HEARING, THE JUDGE (Zaveryuha B.O.) DID NOT ORDER THE IMMEDIATE RETURN TO ITALY?

What kind of European integration are you looking for?

Simply put: **SHAME ON YOU who where involved and did not act lawfully!**

Barbarians act better.

I AM REALLY ANGRY!

I REQUEST AN IMMEDIATE COURT ORDER!!!

I REQUEST THE REMOVAL OF ALL THE OFFICIALS INVOLVED!!

I will pursue everyone was involved in the rape of my child till the end of the light!

Soon will act in Italy too against Ukraine with newspapers and televisions to show what's happening.

Best regards

Giovanni Arcangeli

Roma - ITALY